

### **REMARKS**

In response to the Final Office Action mailed June 8, 2005 in the above-identified application, Applicants respectfully request consideration. To further the prosecution of this application, each of the issues raised in the Office Action is addressed herein.

Claims 45, 47, 48, 51, 52, 54 to 60, 62 to 66 and 68 to 76 are pending in this application, of which claims 45, 64 and 76 are independent claims. By this amendment, Applicants have amended claims 45, 48, 55, 58 to 60, 62 to 66 and 68, and have cancelled claims 46, 49, 50, 53, 61 and 67. New claims 72 to 76 have been added to further define Applicants' contribution to the art. No new matter has been added. The application as presented is believed to be in allowable condition.

#### **A. Claim Rejections Under 35 U.S.C. §103**

On page 3 of the Office Action, claims 45 to 71 were rejected under 35 U.S.C. §103(a) as allegedly defining subject matter obvious over Fisher (U.S. Patent No. 6,243,691) in view of Feezell (U.S. Patent No. 6,253,189).

Claim 45 defines a method for allocating a network resource among buyer agents, in which a first buyer agent submits a bid for the network resource. In response to a notification message regarding another buyer agent's bid, the first buyer agent may submit an updated bid. Initially, the buyer agents, which are computer systems configured by software programs as buyer agents, receive a valuation rule and a strategy rule from a user. By using these rules, the buyer agents are able to compute the bids independently of the user's input. Moreover, the buyer agents are so arranged so that the first buyer agent can operate on a server different from one that the second buyer agent operates on.

Neither the Fisher nor Feezell reference discloses or suggests the foregoing features of claim 45. In particular, the references fail to teach a buyer agent that computes a bid "independently of the user's input" and "in accordance with a valuation rule and/or strategy rule."

Rather, Fisher describes a multi-person, interactive auctioning system that allows "a group of bidders to interactively place bids over a computer or communications network" (col. 5, lines 38-50). Each bidder interactively places bids, reviews the bids of others, and attempts to outbid each other over a public network. See col. 5, line 65 to col. 6, line 45. The purpose of

Fisher is to replace a human auctioneer—not to replace human bidders. *See* col. 4, lines 54-64. Nowhere does Fisher teach or suggest removing the human element from the bidding process. Nor does the Feezell reference. In fact, the Feezell reference does not disclose an auctioning system at all, much less an auctioning system that computes bids “independently of a user’s input.”

For at least the foregoing reasons, claim 45 is patentable over Fisher and Feezell and is in condition for allowance. Claims 47, 48, 51, 52, 54 to 60, 62, 63 and 72 to 75 depend from claim 45 and are allowable based at least upon their dependency.

Claim 64 is a system claim that corresponds, roughly, to claim 45 and is allowable for at least the same reason as claim 45. Claims 65, 66, 68 to 71 depend from claim 64 and are allowable based at least upon their dependency.

Claim 76 recites, *inter alia*, computing a bid for the network resource independently of a user’s input and in accordance with a valuation rule and/or strategy rule. For reasons similar to those discussed above in connection with claim 45, claim 76 is patentable over Fisher and Feezell and is in condition for allowance.

Each of the dependent claims also defines patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

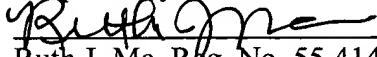
In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner’s earliest convenience.

Applicants hereby request any necessary extension of time. Please charge any deficiency to Deposit Account No. 06-1448, reference IHG-001.01. Applicants’ undersigned attorney can

be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-832-1257.

Date: December 8, 2005  
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Respectfully submitted,

  
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